

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID DARNELL NELSON,

Petitioner,

v.

BRIAN FOSTER,

Respondent.

OPINION & ORDER

17-cv-311-jdp

Pro se prisoner David Darnell Nelson is proceeding on a petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his 2012 conviction for second-degree sexual assault of a child in the Circuit Court for Milwaukee County, Wisconsin. In response to the court's order to show cause, the government has filed a motion to transfer the case to the Eastern District of Wisconsin.

Prisoners bringing petitions under § 2254 "are required to file either in the district in which they are confined or in the district in which the court that sentenced them is located." *Bridges v. Chambers*, 425 F.3d 1048, 1050 (7th Cir. 2005) (citing 28 U.S.C. § 2241(d)). In this case, the Eastern District of Wisconsin is where Nelson was sentenced and where he is incarcerated.

Because improper venue is waivable in a habeas action, *Moore v. Olson*, 368 F.3d 757, 758 (7th Cir. 2004), the court does not consider venue when screening petitions. But now that the government has raised the objection and petitioner has not filed a response, I see no grounds for denying the motion to transfer.

ORDER

IT IS ORDERED that respondent Brian Foster's motion to transfer venue to the United States District Court for the Eastern District of Wisconsin, Dkt. 21, is GRANTED.

Entered February 9, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge